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February 15, 2024

Faculty Senate: Committee on Tenure and Privileges
Jane Liesveld, Chair via Email: jane.liesveld@urmc.rochester.edu

Re: Additional Grievance - Academic Freedom Concerns

Dear Members of the Faculty Senate Committee on Tenure and Privileges,

On January 15, 2024, I received notification that the University Committee on Tenure and Privileges recognized the validity of my grievance, warranting the establishment of a hearing committee. This decision was influenced by affidavits that directly challenged and refuted the assertions made by Provost Figlio and Dean Heinzelman regarding the unilateral decision to withdraw all my students from my teaching, advising, and mentoring roles.

Subsequently, on February 2, 2024, following my inquiries regarding potential conflicts of interest and a request for an update on the grievance committee's progress, it was communicated to me that tenured faculty members had been selected for the committee. However, I was made aware that the committee's formation was pending the designation of an "academic lead" from the Provost's Office to provide administrative support—a designation that, without, would prevent the grievance committee from moving forward. Thus, it became evident that the delay in the grievance process was due to the Provost's Office.

Given that Provost Figlio and Dean Heinzelman are the focal points of my original grievance and are also involved in the Article 78 proceeding filed under New York's Civil Practice Law and Rules, it is clear they have a vested interest in the outcome of my grievance. Despite this, they have continued to engage in actions resulting in significant delays to my grievance process, actions that, in my view, constitute a violation of the University of Rochester's grievance policies and shared governance principles.

The intentional delay by the Provost's Office, in coordination with Dean Heinzelman, is particularly concerning given their involvement in a research misconduct investigation related to my work. I am hereby submitting an additional grievance concerning their inappropriate conduct in this investigation, alongside my Article 78 complaint filed on February 14, 2024, under New York's Civil Practice Law and Rules. Although the Article 78 pleadings are confidential and filed under seal, I will endeavor to share a filed copy in support of my grievance as soon as possible.

This delay strategy by Provost Figlio and Dean Heinzelman seems designed to further a biased research misconduct investigation aimed at terminating my employment in retaliation for my grievance, bypassing due process. The investigation itself, spearheaded by administrators including Vice President Dewhurst and Dean Heinzelman, has been marred by a lack of impartiality and an evident predetermined outcome, a clear violation of the University of Rochester's policies and procedures.

The research misconduct investigation in and of itself has been conducted contrary to and in violation of various U of R policies and procedures. Specifically, the U of R's Research Misconduct Policy ("the Policy") describes the University's process for responding to alleged misconduct as one that provides for "an objective examination of the facts [and] protection of individual rights." *See* Faculty Handbook, pg. 58. The Policy promises "[t]he person(s) whose conduct is being investigated will be given a meaningful opportunity to respond to [the allegations] in writing and in person before the committee. This shall include access to the relevant documents (and other evidence) and a reasonable period to prepare an appropriate response." *Id.* at pg. 59.

From the beginning of the Investigation, the University, through administrators, including Vice President Dewhurst and Dean Heinzelman, and the committee formed to investigate the allegations (hereinafter "the Investigation Committee"), demonstrated an appalling lack of impartiality and a clear pre-determined desire for the Investigation to culminate in a termination of my employment.

A clear example of the University's bias and prejudice against me is revealed through the University's unwillingness to allow me sufficient time to respond to a draft report that was well over 400 pages including exhibits. The University allocated itself a period of forty (40) weeks and one day, totaling 281 days, for the preparation of its draft report, spanning from March 16, 2023, to December 22, 2023. The draft report was furnished to me on the evening of December 22, 2023, immediately preceding the Christmas and New Year holiday season. In contrast, I was granted a timeframe of 5 weeks, equivalent to 24 non-holiday business days, to formulate a thorough response to this overwhelming draft report that was riddled with errors and misunderstandings. My proposal to extend my deadline of 30 days by two weeks was not approved by the University. Instead, I was provided one extra week. This is hardly a reasonable period to respond to such an overwhelming draft report that has substantial implications and consequences. Moreover, as English is not my first language, crafting a thorough response requires a greater amount of time than it would for a native speaker.

Additionally, contrary to university policies, instead of Dean Heinzelman appointing an appropriate Investigation Committee, Vice President, Stephen Dewhurst, was permitted to appoint members of the Investigation Committee who are not faculty of the U of the R but who are instead direct competitors of mine in terms of our research objectives. Despite University policies, the three members of the Investigation Committee appointed by Prof. Dewhurst have a direct interest in and are affected by the outcome of the investigation. Additionally, the three members of the Investigation Committee have extensive research and publication relationships with the U of R and various faculty members in my department. All this amounts to substantial conflicts of interest within the Investigation Committee. Such conflicts of interest are contrary to and in violation of the U of R research misconduct policies and procedures.

Another example of conflicts of interest and affected parties interfering with the research misconduct investigation contrary to and in violation of U or R's research misconduct policies and procedures involves Dean Heinzelman's and Provost Figlio's concerted efforts to remove all my students from my teaching, advising and mentoring during the investigation and their subsequent efforts to conceal their actions by representing that the students requested to be removed. This representation by Dean Heinzelman and Provost Figlio was subsequently debunked by the students themselves when they submitted affidavits expressly refuting what Dean Heinzelman and Provost Figlio were claiming. This is the subject of the grievance that Dean Heinzelman and Provost Figlio are intentionally delaying. Despite their direct involvement in the grievance as subjects of the

grievance, Dean Heinzelman and Provost Figlio have refused to recuse themselves from the research misconduct investigation. Instead, they have continued to be actively involved in the research misconduct investigation in a likely effort to retaliate against me for filing my grievance and exposing their false statements as evidenced by the affidavits from the students.

Another example of the University not affording me an independent research misconduct investigation as evidenced by the interference and involvement of Dean Heinzelman and Prof. Dewhurst in themselves violating editorial policies, as well as their involvement in directing students to violate editorial policies, regarding the corresponding author's role in communicating with editors. More specifically, Prof. Dewhurst, during the research misconduct investigation, was communicating directly with editors of Nature and requesting that Nature retract a paper that was the subject of the research misconduct investigation. In addition, Dean Heinzelman and Prof. Dewhurst were communicating with student co-authors and compelling them to sign a letter being written by the U of R's legal counsel requesting that Nature retract the paper. All these communications were taking place behind my back despite me being the corresponding author of the subject paper. This is unprecedented involvement of U of R administrators to usurp the role of a corresponding author and directly request that the editors of Nature retract a paper this was the subject of the investigation well-before the investigation was completed. I cannot think of a clearer example of an outcome driven approach to an investigation. There is no interpretation of such conduct that can be considered "objective", "neutral" or "independent". This conduct is contrary to U of R policies and procedures related to how to appropriately conduct a neutral and object investigation.

Because Dean Heinzelman and Provost Figlio have coordinated to delay and interfere with my original grievance and because they are again directly involved in subject matter of this additional grievance, I am submitting my additional grievance directly to the University Committee on Tenure and Privileges. I sincerely appreciate your time and attention to this matter. Your support in this endeavor is invaluable, and I am hopeful that with your assistance, my grievances will be addressed equitably. Please feel free to contact me if you require any additional information or clarification.

Sincerely,

Ranga Dias

cc: Renato Perucchio
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